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Michael D. Ellis

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WINSTON & STRAWN LLP

PATENT DEPARTMENT

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WASHINGTON, DC 20006

EXAMINER

KARIKARI, KWASI

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### Response to Arguments

1. This Advisory Action is in response to the Amendment After-Final filed on 06/23/2008 in response to the Office Action dated 02/22/2008. Claims 3-6 and 10-27 are currently pending in the application.

a. In the remarks, the Applicant argues that the Rejections Under 35 U.S.C. § 112 concerning claimed limitations "the modular personal network is **about the same size as a user's personal space**" in claims 3,10,18 and 25, is improper.

The Examiner disagrees with such an assertion. The Examiner had requested from the Applicant to provide, from Applicant's specification, the definition of the claimed limitations "the modular personal network is **about the same size as a user's personal space**" since the Non- Final Office Action dated 07/27/2008. The Applicant continues to disregard Examiner's request. Appropriate corrections or clarifications are required to help the Examiner to determine the entire scope of the Applicant's inventions.

b. The Office Action dated 02/22/2008 had also rejected claims 16-20 and 23-27 Under 35 U.S.C. § 112, concerning new matter in claimed limitations; "automatically continues to operate with any remaining network components when the single network component is removed", see claims 16 and 23, "wherein the jewelry individual network component in the modular personal network automatically configures to adapt to an addition or removal of a another modular personal network component,

see claims 17 and 24, " wherein individual network component of a modular personal network automatically join the modular personal network when said individual network component enters the user's personal space", see claims 18 and 25, "wherein each individual network component store identification information of other individual network components in its current modular personal network", see claims 19 and 26 and "wherein each individual network component stores network identification information for the current modular personal network", see claims 20 and 27.

The Applicant fails to provide citations from the specification that discuss such claimed limitations. Appropriate corrections or clarifications are required to help the Examiner to determine the entire scope of the Applicant's inventions.

Based on the above response, the 35 U.S.C. § 112 rejections are maintained.

c. In the remarks, the Applicant argues that the combination of over Kivela et al. (U.S 6,272,359), (hereinafter Kivela) and Anderson (U.S 6,594,370), (hereinafter Anderson) fails to teach the claimed limitations;

["a single network component can be removed resulting in an operating modular personal network that can perform without the network component and its corresponding one or more functions"], see claims 3, 10 and 35.

The Examiner disagrees with such an assertion. Anderson mentions a wireless communication system that includes a wireless communication between one of more earpieces worn at the ear(s) and a remote processing unit worn at the neck of a user

(see col. 1, lines 15-26). Anderson further mentions that the earpieces and the remote processing unit may in turn communicate with other peripheral and control equipment such as a display worn on the wrist like watch as well as cellular telephone and paging systems (see col. 1, lines 15-26 and col. 3, lines 43-53).

The Examiner maintains that the above clarification from Anderson, meets the Applicant's argued claimed limitations; therefore the Final Office action is maintained.

Any amendments to specifically describe or clarify the Applicant's invention would require further search and re-consideration.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (9am - 7pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kwasi Karikari/  
Patent Examiner  
Art Unit 2617  
07/03/2008

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/Charles N. Appiah/

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